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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,489	02/06/2004	Louis R. Brooks	048050/268897	6635
826	7590	10/20/2005		
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			EXAMINER	ROSS, DANA
			ART UNIT	PAPER NUMBER
			3722	
DATE MAILED: 10/20/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/773,489	BROOKS, LOUIS R.
	Examiner	Art Unit
	Dana Ross	3722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 06 February 2004.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 14 and 15 is/are allowed.  
 6) Claim(s) 1,2,5 and 6 is/are rejected.  
 7) Claim(s) 3,4 and 7-13 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 06 February 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 2/6/04.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. Claims 1, 2, 5 and 6 rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 3,762,273 (Sprung, hereafter '273).

'273 teaches a carriage 15 with milling machine 27, motor 28, cutter 29 and edge depessor (guide) 30 for beveling the edges of a workpiece (see figure 1, col. 2, lines 4-15, for example), the carriage 15 movable in the horizontal direction parallel with the workpiece though guides 7, 8 and worm screw 22, horizontal adjustment of the tool with handwheel 25 in a direction perpendicular to the workpiece (col. 2, lines 65-67, figure 1), vertical adjustment of guide 7 and adjustment of the carriage through the use of jacks 4, and opposed pair of nuts 21 (see figure 3, col. 2, lines 21-23, lines 35-41, lines 52-56, for example).

'273 teaches the cutting wheel advancing along a linear path of travel and the workpiece stationary.

'273 does not teach the workpiece advancing along a linear path of travel.

Examiner notes that it is well known in the art to have the workpiece move in relation to the cutting tool. The machining of the workpiece occurs through the relative movement between the workpiece and tool. In this instance, the purpose of the rail is to provide a linear path of travel between the workpiece and machine tool for linear machining of the edges. It would have

been obvious to one having ordinary skill in the art at the time the invention was made to modify the machine as taught by '273 such that the cutting wheel did not move along the guide rails 7, 8 but instead the workpiece moved along a linear path of travel for the purpose of providing a continuous supply of workpieces, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art.

3. Claims 1, 2, 5 and 6 rejected under 35 U.S.C. 103(a) as being unpatentable over '273 in view of US Pat. No. 4,925,009 (Hill, hereafter '009).

See the above '273 rejection of claims 1, 2, 5 and 6.

'273 teaches a portable milling machine with the cutting wheel advancing along a linear path of travel and the workpiece stationary.

'273 does not teach the workpiece advancing along a linear path of travel.

'009 teaches a portable workpiece conveyor.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the machine as taught by '273 to include the portable conveyor as taught by '009 for the purpose of providing an inexpensive and efficient transfer of materials though the machining process (see 1, lines 5-7, col. 4, lines 27-32, for example).

***Allowable Subject Matter***

4. Claims 14 and 15 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art neither anticipates nor renders obvious an apparatus for beveling an edge of each of a plurality of serially advancing workpieces as claimed in independent claim 14, specifically wherein the combination of limitations in claim 14 include a motor assembly as claimed, specifically wherein

said means mounting the motor assembly further comprise means permitting the motor assembly and thus the cutting wheel to float toward and away from the workpiece along the first direction and to float up and down along the second direction after being manually adjusted in both the first and second directions.

The closest prior art is '273 as is discussed in the above rejections.

'273 discloses the motor and cutting wheel separately spaced, parallel, on the carriage.

'273 does not disclose a drive shaft connected to the motor and extending in a generally horizontal direction which is generally perpendicular to the path of travel and a cutting wheel mounted to the drive shaft so as to rotate in a plane which is generally parallel to the path of travel.

Therefore '273 does not anticipate the claimed invention.

Examiner notes that it is well known in the art to have a drive shaft connected to a motor and extending in a generally perpendicular path of travel and a cutting wheel mounted to the drive shaft as is evidenced by US Pat. No. 4,100,949 (Carter). It would have been obvious to replace the motor and cutting wheel as taught by '273 with a motor that is well known in the art for the purpose of providing various cutters with motors that are currently on the market depending on the type of machining operation being performed.

'273 further does not disclose means mounting the motor assembly further comprise means permitting the motor assembly and thus the cutting wheel to float toward and away from the workpiece along the first direction and to float up and down along the second direction after being manually adjusted in both the first and second directions.

There is no motivation found to modify '273 such that there are means to permit the motor assembly and cutting wheel to float towards and away from the workpiece in the first and second directions after being manually adjusted in the two directions. '273 does not disclose movement after the positions are set.

Therefore '273 does not render obvious the claimed invention of independent claim 14.

Furthermore, there is no prior art, either alone or in combination with '273 that would render obvious the claimed invention and no motivation found to modify '273 to obtain the claimed invention.

5. Claims 3-4 and 7-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:  
The closest prior art is '273 as discussed in the above rejection.

Regarding claims 3 and 4, the prior art neither anticipates nor renders obvious an apparatus for beveling an edge of a workpiece as the workpiece is advanced along a linear path of travel, specifically wherein the combination of limitations of claims 1 and 2 include the further limitations of claim 3, specifically with the slide housing supporting a slide for limited movement against a spring biasing force both toward and away from the edge of the workpiece along the predetermined direction.

Regarding claims 7-9, the prior art neither anticipates nor renders obvious an apparatus for beveling an edge of a workpiece as the workpiece is advanced along a linear path of travel, specifically wherein the combination of limitations of claims 5 and 6 include the further

limitations of claim 7, specifically where the guide shoe includes a second contact surface which is positioned to engage the side edge of the advancing workpiece.

Regarding claims 10-13, the prior art neither anticipates nor renders obvious an apparatus for beveling an edge of a workpiece as the workpiece is advanced along a linear path of travel, specifically wherein the combination of limitations of claim 5 includes the further limitations of claim 10, specifically with the slide housing supporting a slide for limited movement against a spring biasing force toward and away from the edge of the workpiece along the first direction.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

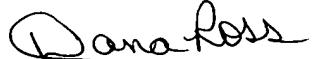
***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dana Ross whose telephone number is 571-272-4480. The examiner can normally be reached on Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dana Ross  
Examiner  
Art Unit 3722



dmr